App. F. IX-4

Previous References. 1941-42 (R.A) File No. 24-41/

Serial Nos. ~~2~~ 9

P-18'E

Later References.

RA 24-41, 12435

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~2~~ 1

Part B for October 1941.

SUBJECT.

Report of the Election Commissioner in R.A.E
His No 907 40-41.

The Compiler, Mysore Gazette
Notification No RL 670 RA 24-41-9 dated 28th Sept. 1
Declares ~~Directs~~ that the elections of Messrs T.V. Narasi & Jogi Chandappa, from the Tarikere Rural Constituency are to the Representative Assembly are void & direct a by-election to that Constituency.

K.S. Murthy
28.10.41

Report of the Election Court in R.A.E. Mis No 9 of 40-41

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 . [App. F. III-2

Serial No.

Report dated 16th July 1941 of the Election Court, in R. A. E. Mis No. 9 of 40-41

SUBTD.

This is a case filed by Mr. H.P. Veerabhadrappa Land-lord, Tarikere, challenging the election of Messrs. T.V. Narasingappa, Land-lord, Tarikere and Mr. Jogi Chandappa Land-lord, Lingadahalli, Tarikere Taluk, to the Representative Assembly from the Tarikere General Rural Constituency. The Returning Officer had rejected the notice of candidature of the petitioner on the ground that he did not mention in column (3) of the notice his age, though he mentioned his date of birth. The Election Commissioner has held (Para 34 of the Report) that the notice of candidature of the Petitioner (Mr. H.P. Veerabhadrappa) was improperly rejected and has held that the election of the Respondents was void and has further ordered a fresh election from the constituency.

(2) The report of the Election Commissioner is dated 16-7-1941 and application for a copy of the order was presented to the Election Commissioner on 31-7-1941 and the copy was supplied on 9-8-1941 (vide consolidated report of the Election Commissioner dated 6-9-1941) The respondents should have filed the appeal to the High Court on 9-8-1941 as it was the last day of the period of limitation.

Ip Separately
D.NO 202 ∫ 244

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

Report of the Election Comr in R.A. Elec 9 of 40-41

2

File No. 2405/41 of 194 .

General and Revenue Secretariat
R. A. & L. C.

Serial No.

From the report of the High Court dated 18-9-1941 + 1 shewing the statement of appeal cases filed in the High Court, it would appear that the Respondents have not filed the appeal against the Orders of the Comr.

Put up for Orders of Govt

3) Therefore the decision of the election Commissioner stands final in this case and it is for orders if a notification may be put up under the Provisions of Clause 2 of Rule 191 of the Representative Assembly Rules in accordance with the report of the Election Commissioner.

DSO
23.9.41

BVN 24/9

4) It is ascertained from the Offices of the High Court, that the list received in this Office on 18.9.1941, gives the total number of cases filed in the High Court, against the decisions of the Election Comr, up to 18th Sept, 1941, & that only 3 more cases have been filed till to day (23.9.1941). The Present Case put up for Orders, is not one of the ~~Subsequent~~ appeal cases subsequently filed in the High Court.

SX

Personal instruction to enquire, whether the present case is the subject-matter of an appeal in the High Court.

5) Submitted for Orders with refce to para 3) of the notes supra.

DSO
23/9/41

Please put up a draft G.O.

BVN 24/9

PSKR
24.9.41

Report of the Election Comm. in
R. A. E. Mis No 97 40-41

General and Revenue Secretariat
R. A. & L. C.

RA File No. of 1941-42 245

[App. F. III-2

Serial No.

OFFICE
25 SEP. 1941
2583

Record is with a draft notification for appl
Draft is in order. No appeal has been
24/9/1941 filed from the order of the Election
Commission and the time for
filing an appeal has also expired.
Draft G.O. is put up
in accordance with the order of the Commr
and is for approval

BKR
25-9-41

Law Secy)

May be approved.

Dear

Hm
2
25.9.41

BKR
25-9-41

Nll
26/9/41

Hm
2
27/9/41

Dsme BKR 28.9.41

The Comptroller, Mysore Gazette
Notn No RL 640 RA 24-41-9 dated 28/9/1941
declares that the election of Messrs J. V.
Narasimhappa & Jagi Chandappa from the
Harihara Jnl Rural Constituency to the R.A. is
void & orders a fresh election from that
Constituency.
The Secretaries issued to Messrs J. V.
Narasimhappa & Jagi Chandappa to attend

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

4 R.A.E Misc Nos 460-41 Re. Notice J.V. Narasinga Rao & Gopi Chandappa - Tarikere Taluk Local Constituency

File No. of 194

General and Revenue Secretariat R. A. & L. C.

2748/N

Serial No.

the existing Dasara Session of the R.A will be cancelled in view of the notification dated 28/9/1941 ordering a fresh election ~~draft~~ notification cancelling the said ~~Gazette~~ notification for signature.

28/9/41 Done

28/9/41 Done

Issued No RL 2837/RA & 2838 RA.

"Rem Sub"
29.9.41

B
28.10.41

OFFICE REPORT Report of the Election Commissioner to the High Court on 1/11/1941 (R.A 24-41-S(12) D.No. 34) Re

~~R. O.~~ No. 135
~~D. Dis.~~ G.
Encl: one.

SECY. LAW DEPT. 19 SEP. 1941 GOVT OF MYSORE

2464/41 5

HIGH COURT OF MYSORE,

Bangalore, 18th Septr. *1941.*

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore,

OFFICE OF THE SECRETARY TO GOVT. OF MYSORE 19 SEPT. 1941 BANGALORE REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

To

H.V. NARAYANA RAO, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR,

With reference to your letter No.R.L.534 dated 9th September 1941, forwarding reports in R.A.E.Mis. 1/40-41 for reference in M A.21/41-42 and R.A.E.Mis.51/40-41 for reference in M.A.23/41-42 on the file of the High Court, together with a sealed ballot box, I am directed to acknowledge the receipt of the above and to forward for the information of Government the particulars noted in the margin as desired by the Government.

Please see the separate sheet attached.

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
REGISTRAR.

GRA/-la

1.	M.A.12/41-42 (R.A.E.M.46/40-41. Allowed with costs on 11th Septr.1941	Appellant: Sivananjegowda, Kyathanahalli, French Rocks. Respondent: Kapaniah	By Messrs. C.Lakshmanagouda and V.K. John. By Messrs.M.P. Somasekara Rao and Y.Gopivallabha Iyengar.

(Copy of the final order will be sent after the fair copy is ready).

2.	M.A.17/41-42 (R.A.E.M.50/40-41) Admitted on 11-9-41.	Appellant: Nadiga Nanjappa Krishnarajpet, Mandya Dist. Respondent: S.K.Siddegowda, Krishnarajpet, Mandya District.	By Messrs. C.Lakshmanagouda and Dr.V.K.John.

3.	M.A.18/41-42. R.A.E.M.1/40-41 Admitted on 11-9-1941.	Appellant: Dyavegowda, Koppa,Kadur and Manjunatha Iyer,Chikmaga- lur, Kadur. Respondent: Satyanarayana Setty, Birur, Kadur.	By Messrs. C.Lakshmanagouda and Dr.V.K. John.

4.	M.A.19/41-42. (L.C.E.Mis.2/40-41 Admitted on 11-9-1941.	Appellants: Dyavegowda,Koppa Kadur and Manju- natha Iyer,Chik- magalur, Kadur. Respondent: Krishnabhatta, Bettigere,Narve, Koppa Taluk.	By Messrs. C. Lakshmanagouda and Dr.V.K.John.

5.	M.A.20/41-42. (L.C.E.M.3/40-41 Admitted on 11-9-1941.	Appellants: Dyavegowda,Koppa, Kadur and Manju- natha Iyer,Chik- magalur, Kadur. Respondent: Basappa,Tarikere.	By Messrs. C. Lakshmanagouda and Dr.V.K.John.

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6. M.A.23/41-42 R.A.E.51/40-41. Dismissed on 12-9-41 at the Admission stage (copy will be sent soon).	Appellant: Nadiga Nanjappa, Krishnarajpet, Mandya Dist. Respondent: Subbegowda, Sindhaghatta Krishnarajpet, Mandya Dist.	By Messrs.C. Lakshmana-gouda and Dr.V.K.John.
7. M.A.21/41-42. R.A.E.M.1/40-41 Admitted on 11-9-1941 and will be posted for hearing to 25-9-1941.	Appellant: Ambathy Venkatachala Setty, Merchant, Devanahalli. Respondent: Y.V.Komariah. Merchant, Devanahalli	By Mr. K.Hanumanthia. By Mr.D.Shama Rao.
8. M.A.24/41-42. R.A.E.M.3/40-41 To be posted for admission. Lower Court records awaited.	Appellant: Honnasiddiah, Harathi, Magadi Taluk Respondent: Solur Siddappa, Solur, Dupanahalli. Thimmarayappa Chikkegowda, Golla- halli, Magadi Taluk.	By Mr.V.Krishna Murthy.
9. M.A.28/41-42 (R.A.E.40-41 Posted for Admn. records awaited.	Appellant: Venkatasamigowda, 3, Sathehalli, Malur. Respondent: Jayaraja char, 347, Pleader Malur.	By Mr.Belur Srini-vasiengar.
10. M.A.26/41-42. R.A.E.40-41 Posted for Admn. to 18-9-41.	Appellant: Mr.Hussain Saheb, Mandi Merchant, Bowringpet. Respondent: Abdur Ravoof Khan Saheb, Jodidar, Bowringpet.	By Mr. S.Srikantiah.

T. Chanviengar
10.9.1941

H. Admin. (F) No. 5.

R.O.C. Dis. No. 144

274/M 8

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 25th September 1941
2661

OFFICE OF THE SECRETARY M.L.A.S. 27 SEPT. 1941 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

SEC. TO GOVT. 26 SEP. 1941 GOVT. OF MYSORE

To

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department, Bangalore.

BRR 27.9.41

SIR,

With reference to your letter No.R.L.604, dated 24th September 1941, calling for a complete list of Election cases apart from the list sent with this Office No.135/G, dated 19th September 1941, I am directed to communicate for the information of Government the particulars noted in the margin as it stands to-day.

Mis.Appeals Nos.18, 19, 20 & 21 of 1941-42 have been posted for final hearing before the First Bench to the 26th Septr.1941. The details of these appeals have already been furnished.	
Mis.Ap.31/41-42. By Mr. S. Srikantiah. For Admission after records and report are received.	Appellants. A. Srikantiah and Shanbhogue Venkataramiah of Arkalgud. vs. Respondent. Venkatarangasetty of Arkalgud.
Mis.Ap.32/41-42. By Mr. S. Srikantiah. For Admission after records and report are received.	Appellants. Srikantiah and Shanbhogue Venkataramiah, Arkalgud. vs. Respondent. Keshavamurthy, Arkalgud.
Mis.Ap.33/41-42. By Mr. N. Balakrishnaiya. For Admission after records are received.	Appellants. Mokteswara Dyavappagowda & Dyavegowda 2)Belur. vs. 1) Mudigere. Respondent. Lingappagowda & Lokappagowda, Belur.
In all - (1) M.A.11/41-42 Dismissed on 19.8.41 at admission. (2) M.A.12/41-42 Allowed with costs. (3) M.A.17/41-42 For hearing after Respondents' service. (4) M.As.18 to 21/41-42 for hearing on 26.9.41. (5) M.A.23/41-42 Dismissed on 12.9.41 at admission. (6) M.A.24/41-42 for admission after records are received. (7) M.A.26/41-42 Dismissed at admission on 19.9.41. (8) M.As.28, 31, 32, 33/41-42 for admission after records are received.	

I have the honor to be,

Sir,

Your most obedient servant,

T. Shamiengar
REGISTRAR.

Notification.

No.R.A.

Orders by the Government of His Highness the Maharaja under the provisions of rule 191 of the R.A. Rules, 1940.

(1) Whereas Messrs. T.V.Narasingappa, Landlord, Tarikere and Patel Jogi Chandappa, Landlord Lingadahalli, Tarikere Taluk, were declared by the Returning Officer, under rule 146 of the R.A.Rules, 1940, to have been duly elected as members of the R.A. from the Tarikere General Rural Constituency;

(2) And Whereas an election petition was duly presented to Government , under clause (a) of sub-rule (1) of rule 172 of the aforesaid rules, by Mr. H.B.Veerabhadrappa, son of H.Basappa Landlord, Tarikere, a candidate for the said constituency;

(3) And Whereas the Government of His Highness the Maharaja, in exercise of the powers conferred under the provisions of sub-rule (1) of rule 178 of the Representative Assembly Rules, 1940, by Notification No.3834-C.B.161-40-10, dated 16th April 1941, appointed Mr. C.Narayanaswamy Naidu, B.A., B.L., for the trial of election petitions and by Notification No.Rl.3478-R.A.113-40-3, dated 18th April 1941, transferred this petition to the said Commissioner, for a report in accordance with the provisions of rule 188 of the aforesaid rules

And Whereas the said Election Commissioner reported that the election of Messrs. T. V. Narasingappa and Patel Jogi Chandappa from the Tarikere General Rural Constituency was ~~void~~

P.T.O.

(4) And Whereas the said Election Commissioner has in accordance with the provisions of sub-rule (3) of rule 188 of the aforesaid rules, forwarded to the Government his report in respect of the petition;

(5) Now Therefore the Government of His Highness the Maharaja in exercise of the powers conferred by sub-rule (2) of rule 191 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that the notice of candidature of the petitioner ~~was~~ Mr. H.B.Veerabhadrappa, was improperly rejected, that the elections of Messrs. T.V.Narasingappa and Jogi Chandappa as members of the Representative Assembly, from the Tarikere ~~Rural~~ General Rural Constituency, are void and that each party may bear his costs and to order further that a bye-election be held in respect of the aforesaid constituency.

By Order,

25/9/41 Secy. to Govt. 25/9/41
Law Department.

The Compiler, Mysore Gazette, for publication in Part III of the gazette and supply 25 copies to the Secretariat,

Memo No.

Copy of the above is forwarded with compliments to the Deputy Commissioner, Kadur District and the Secretary, R.A., & L.C., for information.

By Order,

For Secy. to Govt.,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R.L.6.7.R./R.A.24.41-9 General and Revenue Secretariat,

Dated Bangalore, ...28th September 1941.

NOTIFICATION.

Orders by the Government of His Highness the Maharaja under the provisions of rule 191 of the Representative Assembly Rules, 1940.

WHEREAS Messrs. T.V.Narasingappa, Landlord, Tarikere, and Patel Jogi Chandappa, Landlord, Lingadahalli, Tarikere Taluk, were declared by the Returning Officer, under rule 140 of the Representative Assembly Rules, 1940, to have been duly elected as members of the Representative Assembly from the Tarikere General Rural Constituency;

AND WHEREAS an election petition was duly presented to Government, under clause (a) of sub-rule (1) of rule 172 of the aforesaid rules, by Mr. H.B.Veerabhadrappa, son of H.Basappa, Landlord, Tarikere, a candidate for the said constituency;

AND WHEREAS the Government of His Highness the Maharaja, in exercise of the powers conferred under the provisions of sub-rule (1) of rule 173 of the Representative Assembly Rules, 1940, by Notification No.[illegible]-R.D.161-40-10, dated 16th April 1941, appointed Mr. C.Narayanaswamy Naidu, for the trial of election petitions and by Notification No.RL.3478-R.A.113-40-3, dated 18th April 1941, transferred this petition to the said Commissioner for a report in accordance with the provisions of rule 182 of the aforesaid rules;

AND WHEREAS the said Election Commissioner has, in accordance with the provisions of sub-rule (3) of rule 183 of the aforesaid rules, forwarded to the Government his report ~~to the Government his report~~ in respect of the petition;

12

NOW THEREFORE the Government of His Highness the Maharaja, in exercise of the powers conferred by sub-rule (2) of rule 191 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that the notice of candidature of the petitioner Mr. H.B.Veerabhadrappa was improperly rejected, that the elections of Messrs. T.V. Narasingappa and Jogi Chandappa as members of the Representative Assembly, from the Tarikere General Rural Constituency, are void and that each party may bear his costs and to order further that a bye-election be held in respect of the aforesaid constituency.

By Order,

Sd/- H.V.Narayana Rao,
Secretary to Government,
Law Department.

The Compiler, Mysore Gazette, for publication in Part III of the Gazette and supply of 25 copies to the Secretariat.

Memo No. R.L.671 and R.L.672 Dated, Mysore. Bangalore, 28th Septr.1941.

Copy of the above is forwarded with compliments to the Deputy Commissioner, Kadur District, and Secretary, R.A. & L.C., for information.

By Order,

B.K.R. Amarkis Ranga
For Secretary to Government
Law Department.

Fair draft

Ba/12

LAW SECRETARIAT.

No. R. L. 670—*R. A.* 24-41-9, *Mysore, dated* 28*th September* 1941.

Orders by the Government of His Highness the Maharaja under the provisions of Rule 191 of the Representative Assembly Rules, 1940.

WHEREAS Messrs. T. V. Narasingappa, Landlord, Tarikere, and Patel Jogi Chandappa, Landlord, Lingadahalli, Tarikere Taluk, were declared by the Returning Officer under Rule 146 of the Representative Assembly Rules, 1940, to have been duly elected as members of the Representative Assembly from the Tarikere General Rural Constituency;

AND WHEREAS an election petition was duly presented to Government under Clause (*a*) of sub-rule (1) of Rule 172 of the aforesaid rules by Mr. H. B. Veerabhadrappa, son of H. Basappa, Landlord, Tarikere, a candidate for the said constituency;

AND WHEREAS the Government of His Highness the Maharaja, in exercise of the powers conferred under the provisions of sub-rule (1) of Rule 178 of the Representative Assembly Rules, 1940, by Notification No. 3834—C. B. 161-40-10, dated 16th April 1941, appointed Mr. C. Narayanaswamy Naidu, B.A., B.L., for the trial of election petitions and by Notification No. Rl. 3478—R. A. 113-40-3, dated 18th April 1941, transferred this petition to the said Commissioner, for a report in accordance with the provisions of Rule 188 of the aforesaid rules;

AND WHEREAS the said Election Commissioner has, in accordance with the provisions of sub-rule (3) of Rule 188 of the aforesaid rules, forwarded to the Government his report in respect of the petition;

NOW THEREFORE, the Government of His Highness the Maharaja, in exercise of the powers conferred by sub-rule (2) of Rule 191 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that the notice of candidature of the petitioner Mr. H. B. Veerabhadrappa was improperly rejected, that the elections of Messrs. T. V. Narasingappa and Jogi Chandappa as members of the Representative Assembly from the Tarikere General Rural Constituency are void and that each party may bear his costs and to order further that a bye-election be held in respect of the aforesaid constituency.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

S. C. 25

Appendix F G–1]
F. A. & L. C.

SUBJECT

Diary No. of letter replied to

4 copies

General and Revenue Secretariat
R. A. & L. C.

( )

Date of issue 28-9-41.

Signed by Mr. G. S. Venkataramanayya

List of enclosures

Copied by

Examined by

Section

File No.

Serial No.

No. 2837 R. A. and 2838 R. A.

To

1) J. V. Nara Singappa Esq. Landlord
Farikere

2) Patel Jogi Chandappa Esq.
Landlord, Lingadahalli
Farikere Taluk.

Sir,

I do forward my herewith a Copy of Notification no: issued on 28/9/1941, for your information. I have the honour to state that the Summons issued to you on 25th July to attend the ensuing Dasara session of the Assembly Commencing from 1st Oct. 1941, Stands Cancelled

I have the honour to be Sir, Your most obedient Servant

28/9

Secretary
R. A.

Copy to the Special Duty Clerk for information.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary, Representative Assembly.

No. 2838. R.A

Bangalore dated ...28th...September 1941.

FROM

The Secretary,
Representative Assembly,

To

Patel Jogi Chandappa, Esq.,
Landlord, Lingadahalli,
Tarikere Taluk.

SIR,

In forwarding herewith a copy of Notification No.R.L.670 RA24-41-9 issued on 28th September 1941, for your information, I have the honour to state that the summons issued to you, on 25th July, 1941, to attend the ensuing Dasara session of the Assembly commencing from 1st October 1941, stands cancelled.

I have the honour to be,
Sir,
Your most obedient servant

Secretary,
Representative Assembly.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary, Representative Assembly.

No. 2837. R.A

Camp Mysore, ~~Bangalore~~ *dated* 28th September 1941.

FROM

The Secretary,
Representative Assembly,

To

T.V.Narasingappa, Esq.,
Landlord, Tarikere.

SIR,

In forwarding herewith a copy of Notification No.RL 6 (6) RA 2644-9 issued on 28th September 1941, for your information, I have the honour to state that the summons issued to you, on 25th July, 1941, to attend the ensuing Dasara session of the Assembly commencing from 1st October 1941, stands cancelled.

I have the honour to be,
Sir,
Your most obedient servant,

T.V. Venkataramanaiah

Secretary,
Representative Assembly.

Hc
Pris 3) Of 41-42 A Srikantaiah L
2) Shamanjee Venkata
(RA & Pris 5 of Sle 40-41)
Vs
Venkatarayalu & Ors
Atmisham
Arkalgud

Pris 2 Appl Do.
(RA Pris 6) Rs - Keshava murthy
Vs
Admitted

(Pris 33)

Mr. Nelkesavapalli T
Devappagowda
Devegowda - R Belur
Vs
Gendigere taluk
Lingappagowda
LRA. E Pris 7) Varsan